

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

PABLO D. BARTOLINI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:14CV99 SNLJ
	)	
PAJCO, INC.,	)	
	)	
Defendant,	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. Rule 12(h)(3) of the Federal Rules of Civil Procedure states: “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” The Court has reviewed the complaint and has determined that it should be dismissed for lack of jurisdiction.

“Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.” Kessler v. Nat’l Enterprises, Inc., 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted).

Plaintiff brings this lawsuit against Pajco, Inc., his former employer, alleging that he worked ten hour night shifts and that he was never allowed to take a meal break. Plaintiff alleges that he suffered injuries from standing during his shifts without eating. Plaintiff has not specified any federal statute or any other basis for the Court’s jurisdiction over his claim.


The Court previously ordered plaintiff to show cause why this action should not be dismissed for lack of jurisdiction. Plaintiff did not respond to the Court’s Order.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 27<sup>th</sup> day of August, 2014.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE